

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON

UNDER SEAL,

Plaintiff,

v.

UNDER SEAL,

Defendants.

Case No. C11-2129-RSM

FILED UNDER SEAL


Note on Motion Calendar for:
September 24, 2012



11-CV-02129-DOCTRM

MOTION TO DISMISS - Page 1
(C11-2129-RSM)
434131.1 | 361683 | 0003

ORIGINAL


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THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA
ex rel. CHARLES E. PLUNKETT,

Plaintiff-Relator

v.

UNITED HEALTHCARE OF
WASHINGTON, INC.; UNITED
HEALTHCARE INSURANCE COMPANY;
UNITED HEALTHCARE INSURANCE
COMPANY OF NEW YORK; UNITED
HEALTHCARE OF ALABAMA, INC.;
UNITED HEALTHCARE OF ARIZONA,
INC.; UNITED HEALTHCARE OF
ARKANSAS, INC.; UNITED
HEALTHCARE OF FLORIDA, INC.;
UNITED HEALTHCARE OF GEORGIA,
INC.; UNITED HEALTHCARE OF NEW
ENGLAND, INC.; UNITED
HEALTHCARE OF NEW YORK, INC.;
UNITED HEALTHCARE OF NORTH
CAROLINA, INC.; UNITED
HEALTHCARE OF OHIO, INC.; UNITED
HEALTHCARE OF TENNESSEE, INC.;
UNITED HEALTHCARE OF THE
MIDLANDS, INC.; UNITED
HEALTHCARE OF THE MIDWEST,
INC.; UNITED HEALTHCARE OF
UTAH, INC., UNITED HEALTHCARE
OF WISCONSIN; UNITED

Case No. C11-2129-RSM

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1 HEALTHCARE OF WISCONSIN, INC.;
2 UNITED HEALTHCARE PLAN OF THE
3 RIVER VALLEY, INC.; d/b/a Evercare
and/or SecureHorizons,

4 Defendant.

5 **PLAINTIFF CHARLES E. PLUNKETT'S**
6 **EX PARTE MOTION TO DISMISS**

7 **I. RELIEF REQUESTED.**

8 COMES NOW Plaintiff Charles E. Plunkett ("Plunkett") by and through his
9 attorneys Christopher W. Pirnke and Inslee, Best, Doezie & Ryder, P.S. and files this
10 motion *ex parte* to dismiss all claims without prejudice, including but not limited to without
11 prejudice as to the United States, in accord with Civil Rule 41.

12 **II. FACTUAL BACKGROUND.**

13 No opposing parties have appeared and the United States has provided its notice to
14 Plunkett that it declines to intervene in this matter. In accord with Civil Rule 41, Plunkett
15 seeks to dismiss this case. Counsel for the United States has been informed that Plaintiff
16 intends to dismiss this matter without prejudice and the United States does not object to
17 Plaintiff's proposed disposition that this matter be dismissed without prejudice.

18 **III. ISSUES AND EVIDENCE RELIED UPON.**

19 Should the court dismiss this matter in accord with Civil Rule 41 when no other party
20 has asserted claims, cross-claims or has appeared in the action and where the United States
21 has no objection to the proposed disposition. Plaintiff relies on the records on file in this
22 matter.
23

1 IV. LEGAL ARGUMENT.

2 Plaintiff relies on CR 41 and 31 U.S.C. §3730.

3 V. CONCLUSION.

4 This court should dismiss this case under Civil Rule 41, without prejudice.

5 DATED this 24th day of September, 2012.

6 INSLEE, BEST, DOEZIE & RYDER, P.S.

7
8 By Christopher W. Pirnke
9 Christopher W. Pirnke - W.S.B.A. #44378
10 Attorneys for Plaintiff Charles E. Plunkett
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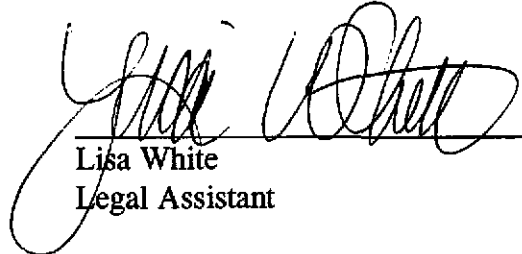
DECLARATION OF SERVICE

The undersigned hereby declares under penalty of perjury under the laws of the State of Washington that she is an employee of Inslee, Best, Doezie & Ryder, P.S. and is a person of such age and discretion as to be competent to serve papers;

That on September 24, 2012, she filed under seal Plaintiff Charles E. Plunkett's Ex Parte Motion to Dismiss and [proposed] Order on Motion to Dismiss and served copies of such on the person(s) hereinafter named by depositing said copies in the United States mail, Postage prepaid, addressed as follows:

David R. East
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271

Signed this 24th day of September, 2012, at Bellevue, Washington.



Lisa White
Legal Assistant